

Message Text

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ACTION EUR-12

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TO SECSTATE WASHDC 4453
AMEMBASSY BONN
INFO USMISSION USBERLIN
AMCONSUL BREMEN
AMCONSUL DUSSELDORF
AMCONSUL FRANKFURT BY POUCH
AMCONSUL HAMBURG
AMCONSUL MUNICH
USCINCEUR VAIHINGEN GE
CINCUSAREUR HEIDELBERG GE

LIMITED OFFICIAL USE SECTION 1 OF 2 STUTTGART 1297

USCINCEUR AND CINCUSAREUR FOR POLADS

E.O. 11652: N/A
TAGS: PINT, GW
SUBJECT: FILBINGER AFFAIR

REF: A) STUTTGART 1184 B) STUTTGART 1070

1. SUMMARY. "FILBINGER AFFAIR" HAS REBOUNDED. NEW REVELATIONS OVER HIS ROLE AS NAVY JUDGE HAVE FURTHER REDUCED HIS CREDIBILITY AND BROUGHT NEW DEMANDS THAT HE STEP DOWN AS MINISTER-PRESIDENT. PRESS REPORTS CDU CIRCLES IN BONN ARE SHOWING MOUNTING CONCERN. NEXT HEARING IN FILBINGER LAWSUIT APPEARS STILL SCHEDULED FOR JULY 13. END SUMMARY.

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2. WHILE INTEREST SEEMED TO WANE AND PUBLICITY CERTAINLY SUBSIDED FOR AWHILE IN THE FILBINGER AFFAIR, IT IS BACK IN THE NEWS THIS WEEK AS A RESULT OF FURTHER "REVELATIONS." A REPORT ON THE HAMBURG TV PROGRAM "PANORAMA" ON JULY 4, FOLLOWED BY ARTICLES IN THE STUTTGART PRESS AND IN THIS WEEK'S ISSUE OF THE MAGAZINE DER STERN REPORT OTHER CASES OF DEATH SENTENCES IN WHICH FILBINGER WAS INVOLVED IN 1945 DURING HIS SERVICE AS A JUDGE IN THE GERMAN

NAVY (I.E., IN ADDITION TO THE FAMOUS GROEGER CASE WHERE HE SERVED AS PROSECUTOR). IN ONE CASE HE HAD SENTENCED TO DEATH A SEAMAN WHO HAD DESERTED TO SWEDEN AND IN ANOTHER CASE HE HAD SENTENCED TO DEATH THREE SEAMEN WHO HAD THROWN THEIR COMMANDING OFFICER OVERBOARD AND HAD ALSO ESCAPED TO SWEDEN. ALL FOUR DEATH SENTENCES WERE PRONOUNCED IN ABSENTIA.

3. WHILE THE BADEN-WUERTTEMBERG STAATSMINISTERIUM HAD REFUSED TO MAKE ANY COMMENT WHEN APPROACHED INITIALLY FOLLOWING THE HAMBURG TV REPORT, A SPATE OF STATEMENTS THEN ISSUED FROM THE STAATSMINISTERIUM ON JULY 5. AT NOON A PERSONAL STATEMENT FROM FILBINGER (WHO IS VACATIONING IN SWITZERLAND) WAS RELEASED IN WHICH HE AT FIRST DISCLAIMED ANY RECOLLECTION OF THE TRIALS BUT THEN WENT ON TO ADD IN A SEEMING NON-SEQUITUR THAT THESE WERE ONLY "PHANTOM SENTENCES" SINCE THE SEAMEN HAD ALREADY DESERTED TO SWEDEN AND WERE BEYOND THE REACH OF GERMAN MILITARY JURISDICTION. LATER IN THE DAY THE STAATSMINISTERIUM ISSUED A STATEMENT TO THE EFFECT THAT FILBINGER HAD BEEN INVOLVED ONLY IN THESE "FOUR" CASES THAT HAD RESULTED IN DEATH SENTENCES (IN ADDITION TO THE GROEGER CASE). A FEW HOURS LATER THE STAATSMINISTERIUM ISSUED YET ANOTHER STATEMENT CORRECTING THE EARLIER ONE BY SAYING THAT ACTUALLY THERE HAD ONLY BEEN TWO AND NOT FOUR CASES SINCE IN THE SECOND INSTANCE THE THREE DEATH SENTENCES HAD BEEN PRONOUNCED AT A SINGLE TRIAL.

4. THE STUTTGART PRESS REPORTS THAT AS A RESULT OF THIS NEW PUBLICITY THE FILBINGER AFFAIR IS THE SUBJECT OF MOUNTING CONCERN LIMITED OFFICIAL USE

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IN DCU CIRCLES IN BONN WHO ARE REPORTEDLY IRATE IN PARTICULAR OVER THE POOR COUNSEL FILBINGER SEEMS TO BE RECEIVING FROM HIS ADVISERS ON HOW TO HANDLE REACTION TO THE AFFAIR. (COMMENT: AS INDICATED REF A, IT IS NOT CLEAR TO WHAT EXTENT FILBINGER LISTENED TO OR IS LISTENING NOW TO HIS ADVISERS.) THE PRESS ALSO REPORTS THAT IN BONN THE SPD AND FDP, FOR REASONS OF THEIR OWN, ARE PRESSURING CDU CHAIRMAN KOHL TO CLARIFY HIS PARTY'S POSITION VIS-A-VIS FILBINGER. NATIONAL SPOKESMEN FOR THE YOUNG SOCIALISTS, THE YOUNG DEMOCRATS, AND THE LIBERAL UNIVERSITY ASSOCIATION ARE LIKEWISE REPORTED TO HAVE SPOKEN OUT URGING FILBINGER'S OUSTER.

5. WITHIN BADEN-WUERTTEMBERG THERE HAVE BEEN TWO SIGNIFICANT REACTIONS TO THE LATEST REVELATIONS IN THE FILBINGER AFFAIR. JERGEN MORLOK, FDP LAND CHAIRMAN AND HEAD OF THE PARTY GROUP IN THE LANDTAG, HAD TOLD THE PRESS THAT THE TIME HAS COME FOR THE CDU TO QUESTION WHETHER FILBINGER SHOULD STAY ON IN OFFICE AS MINISTER-PRESIDENT. THIS IS A DEFINITE HARDENING OF MORLOK'S POSITION, SINCE HITHERTO HE HAS STOPPED SHORT OF SUGGESTING FILBINGER SHOULD RESIGN. AND IN THE LEAD EDITORIAL IN THE STUTTGARTER NACHRICHTEN ON JULY 6, JUERGEN OFFENBACH, THE PAPER'S POLITICAL EDITOR, WRITES THAT THE CDU CAN ONLY BE HURT FURTHER BY THE FILBINGER AFFAIR AND AS A RESULT FILBINGER SHOULD STEP DOWN.

FOR OFFENBACH THE ONLY QUESTION IS HOW LONG IT WILL TAKE FILBINGER HIMSELF TO REALIZE HIS RESIGNATION IS OVERDUE. (COMMENT: THE STUTTGARTER ZEITUNG HAS ALREADY URGED FILBINGER TO RESIGN (REF B). HENCE, BOTH MAJOR DAILIES IN STUTTGART ARE NOW ON RECORD AS ASKING FOR HIS RESIGNATION.)

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6. IN COURTESY CALL EUR/CE COUNTRY DIRECTOR WOESSNER MADE JULY 3 ON MINISTERIALDIREKTOR REIFF AT STAATSMINISTERIUM, FILBINGER AFFAIR WAS DISCUSSED BRIEFLY AND REIFF MADE NO REFERENCE TO POSSIBLE SETTLEMENT OF FILBINGER/HOHHUT LAWSUIT OUT OF COURT (REF A). ON THE CONTRARY, HE SAID THAT NEXT STEP WAS TO AWAIT COURT DECISION ON JULY 13.

7. WE HAD ALSO DISCUSSED FILBINGER AFFAIR WITH VARIOUS CDU LEADERS IN BADEN-WUERTTEMBERG PRIOR TO THESE LATEST EVENTS, AND THEY HAD ASSURED US THAT THROUGHOUT THE LAND CDU WAS SOLID IN ITS CONTINUED SUPPORT OF FILBINGER. ONE OF THESE SOURCES, HOWEVER, -- THE LORD MAYOR OF KARLSRUHE -- COMMENTED ON HOW MUCH FILBINGER HAD

AGED AS A RESULT OF ALL HIS RECENT TROUBLES AND HE DID NOT RULE
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OUT THE POSSIBILITY THAT FILBINGER MIGHT CHOOSE TO RESIGN OF HIS
OWN ACCORD RATHER THAN AS A RESULT OF ANY PRESURE FROM WITHIN
THE PARTY. NORMALLY PHLEGMATIC AND PRO-FILBINGER BUSINESSMAN
STATED FLATLY TO CONGEN JULY 6 THAT FILBINGER NOW REVEALED AS A
"LIAR," IS A DISGRACE TO THE COUNTRY, AND WILL RESIGN OR BE FORCED
OUT BY END OF THIS YEAR.

8. COMMENT: UNLIKE IN THE GROEGER AFFAIR, FILBINGER SEEMS NOT TO
BE REPROACHED FOR HAVING HANDED DOWN DEATH SENTENCES IN THESE
LATEST CASES THAT HAVE COME TO LIGHT. WHAT HAS SUFFERED IS
FILBINGER'S CREDIBILITY, SINCE THE LATEST INFORMATION IS SEEN AS
DIRECTLY CONTRADICTING EARLIER ASSERTIONS THAT HE HAD NOT
PARTICIPATED IN ANY OTHER CASES INVOLVING THE DEATH SENTENCE
EXCEPT FOR THE GROEGER AFFAIR. HIS EARLIER STATEMENTS WERE
CLEARLY "FALSE," ASSERTS DER STERN, AND THE STUTTGARTER ZEITUNG
ALSO MAKES MUCH OF THIS CONTRADICTION AND HOW, IN ITS VIEW, IT
SHATTERS WHAT WAS LEFT OF FILBINGER'S ALREADY MUCH REDUCED
CREDIBILITY. A LITTLE OVER A WEEK BEFORE THE STUTTGART COURT IS TO
HOLD ANOTHER HEARING IN THE FILBINGER AFFAIR, CERTAIN NOW TO MAKE
MORE AND EVEN BIGGER HEADLINES, THE FILBINGER AFFAIR HAS THUS
TAKEN ANOTHER SUDDEN TURN, MAKING IT EVEN MORE DIFFICULT TO
FORETELL WHAT THE FUTURE HOLDS FOR MINISTER-PRESIDENT FILBINGER
AND THE CDU POLITICAL SCENE IN BADEN-WUERTTEMBERG.MILLER

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